

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-8, 25, 26, and 31 are presently active in this case, Claims 1, 25 and 31 are amended and Claim 2 is cancelled by the present amendment.

Claims 1-8, 25, 26, and 31 are rejected under 35 U.S.C. §103(a) as unpatentable over de Groot (U.S. Patent No. 6,421,047) in view of Leahy et al. (U.S. Patent No. 6,219,045, herein Leahy) and Kawamura et al. (U.S. Patent No. 6,404,430, herein Kawamura).

In response to the rejection of Claims 1-8, 25, 26, and 31 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of these rejections and traverse the rejections as discussed next.

In the outstanding Office Action Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over de Groot in view of Leahy. In the outstanding Office Action, it is acknowledged that de Groot fails to disclose a charge controlling means for charging said privileged user who owns said user-specific virtual space a fee corresponding to a type of said user-specific virtual space as is recited in Claim 1.<sup>1</sup>

The outstanding Office Action relies on Leahy as describing a controlling means for charging said privileged user. The rejection is based on the position that “since the usage is tied to which rooms are ‘most popular,’ it would be an obvious variant to bill according to popularity” and by adding this feature to de Groot, it would enable revenue from usage of the virtual space, thus describing a charge controlling means equivalent to Claim 1.

However, Leahy fails to disclose or suggest a charge control means that charges a first user a fee to own or lease a user-specific virtual space, wherein the fee is based on the

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<sup>1</sup> outstanding Office Action page 2 & 3.

specified type of the user-specific virtual space and only the first user is charged to access the user-specific virtual space.

Leahy merely describes collecting statistics on usage which could be used for billing or to determine which rooms are most popular.<sup>2</sup> Using popularity statistics to bill higher at the most popular space only allows charging users based on use and does not allow privileged users to be charged based on their choice of a type of virtual space, whether it is private or public or have few or many users.

Thus, Leahy does not disclose charge controlling means for charging said first user (the user who desires to personalize the room) a fee to own or lease said user-specific virtual space such that only said first user is charged to access said user-specific virtual space. In other words, all permitted users besides the first user who owns or is leasing the virtual space may gain access to the room without a charge.<sup>3</sup>

Accordingly, Leahy does not disclose or suggest, “charge controlling means for charging said first user a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user is charged to access said user-specific virtual space,” as is described in Claim 1.

Thus, even if combinable in any reasonable manner, de Groot and Leahy et al. combined or individually do not disclose or suggest all the elements recited in Claim 1 or in Dependent Claims 2-8 and 26.

Each of independent Claims 25 and 31 also recite charging a first user a fee to own or lease said user-specific virtual space, wherein the fee is based on the specified type of the user-specific virtual space and only the first user is charged to access the user-specific virtual space. Therefore Claims 25 and 31 patentably define over de Groot and Leahy for at least the same reasons as Claim 1. Claims 2-8 and 26 depend directly or indirectly from Claim 1 and

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<sup>2</sup> Leahy et al. Col. 15, lines 12-15.

<sup>3</sup> Specification page 32, fourth paragraph starting “Users are not charged...”

therefore also patentably define over the asserted prior art for at least the same reasons given for Claim 1.

Further, Kawamura does not cure the deficiencies of de Groot and Leahy with respect to the above noted features of Claims 1, 25 and 31.

Accordingly, for the above reasons, Applicant respectfully requests that the rejection of Claims 1-8, 25, 26, and 31 under 35 U.S.C. 103(a) as unpatentable over de Groot in view of Leahy and Kawamura be withdrawn; and respectfully submits that Claims 1-8, 25, 26, and 31 are patentable over de Groot in view of Leahy and Kawamura.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.


Respectfully submitted,

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